THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22884 of 2006

Date:02-07-2007

Between:

Donthi Laxmikanthamma and another ..
PETITIONER

AND

The Deputy Superintendent of Police, Madanapalle and eight others
..
RESPONDENTS

ORDER:

The petitioners seek a writ of mandamus to declare the inaction of the second respondent in providing the police protection for enforcement of the orders passed by the I Additional Junior Civil Judge, Madanpalle in I.A.No.503 of 2006 in I.A.No.146 of 2004 in O.S.No.110 of 2004, dated 08.09.2006, as illegal and arbitrary.

It is the case of the petitioners that they have obtained injunction order in I.A.No.146 of 2004, dated 02.01.2006 in O.S.No.110 of 2004 on the file of the I Additional Junior Civil Judge, Madanapalle and to implement the said orders, they have obtained orders in I.A.No.503 of 2006 in O.S.No.110 of 2004, dated 08.09.2006 directing the Station House Officer, Police Station, Madanapalle to give police protection as and when the petitioners approach for implementation of the temporary injunction. It is stated that though the petitioners have approached the said second respondent by way of specific representation, necessary police protection has not been given.

A counter has been filed stating that pursuant to the representation of the petitioners to render necessary police protection, one head constable, two constables and one Assistant Sub-Inspector of Police were deputed for extending necessary police protection. But, as the third respondent and others claimed the property, the second respondent has filed application on 13.10.2006 before the I Additional Junior Civil Judge, Madanapalle who granted injunction orders in favour of the petitioners and sought clarification and the said application is pending.

In the counter it is stated that the second respondent is ready and willing to extend police protection as and when required and in fact, they have provided police protection on 24.09.2006 and 08.10.2006 by deputing the police personnel and implemented the

orders of the Court.

Having regard to the facts of the case, as long as the orders of the Civil Court are subsisting and not modified, the concerned Station House Officer is required to give police protection as and when required by the petitioners.

Accordingly, the writ petition is dispose of with the aforesaid observations. No costs.

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V.ESWARAIAH, J.

Date:02.07.2007
ccm